

turned out not to be true, and use that as a pretext for going into war, we are heading for in Iran, in my view, another Gulf of Tonkin kind of situation, where you cook up a situation.

This administration took down the border between Iran and Iraq and now complains to us everywhere that we are getting all kinds of weapons coming in from Iran. Using that as a pretext, the Arab press yesterday reports that the Vice President was in the Middle East telling people that war is coming, telling them that the problems in Iraq don't keep us out of anything. They won't be any hindrance to us going into Iran.

This amendment is simply an attempt to put a minor block in the way of this administration's desire to widen this war, probably to get people's minds off how bad it is in Iraq.

This is supposed to be winding down in Iraq because of the escalation. But in fact that is not what is happening. We are losing more soldiers every day. We have had the bloodiest months in this war.

This amendment is simply to say the United States Congress will decide where this country goes to war, not the President, who wants to go out and create whatever situation he wants in the world.

I urge the adoption of this amendment.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have had a healthy, robust debate on this question, and I urge a "yes" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. DEFAZIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110-151.

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. DEFAZIO:

At the appropriate place in title XII of the bill (relating to matters relating to foreign nations), insert the following new section:

**SEC. 12. REQUIREMENTS CONCERNING THE USE OF MILITARY FORCE AGAINST IRAN.**

(a) RULE OF CONSTRUCTION.—No provision of law enacted before the date of the enactment of this Act shall be construed to authorize the use of military force by the United States against Iran.

(b) REQUIREMENTS.—Absent a national emergency created by attack by Iran upon the United States, its territories or possessions, or its armed forces, no funds appropriated pursuant to an authorization of appropriations in this Act or any other Act may be obligated or expended to initiate the use of military force against Iran unless the President receives authorization from Congress prior to initiating the use of military force against Iran.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Oregon and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, to address criticisms raised on the first amendment, this would not prevent retaliation for an attack upon U.S. troops. It would not prevent going into Iran to retrieve captured troops. But what it would do is say that we have not authorized, as some in this administration allege, a preemptive war against Iran because of the Iraq resolution or the 9/11 resolution. That simply is not true. They were not that all encompassing.

Further, it would also challenge a letter I had on April 18, 2002, from then-White House counsel, the esteemed Mr. Gonzales, who claims that the President has unilateral war-making authority under the Constitution.

No. This simply restates the Constitution of the United States and the War Powers Act. It is law, 93-148, and article I, section 8, of the Constitution.

This is not about whether or not military action against Iran is wise or necessary. Regardless of how you come down on that question, I urge you to support the amendment. It is not about binding the President's hands so he couldn't retaliate if they are involved in attacking our troops or capturing our troops in the area. It allows, as does the War Powers Act, in the event of any attack by Iran on the United States, its territories or possessions or Armed Forces, it is fully within the President's purview to respond.

There are many who are concerned about the growing nuclear capability of Iran, and I share those concerns. But the question that some day possibly in the future they might have a missile that could work, they might have nuclear weapons, does not dictate that we should have a preemptive war now; and if the President wants to make the case that that warrants a preemptive war, he should come to the war-making body, the Congress of the United States, make that case, present his evidence and have a lawful vote.

Plain and simple, that is all this amendment does, although I am certain other allegations will be made.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. We have been at war with the radical Islamic jihadists ever since they supported and fomented that storming of our embassy in 1979. They held Americans hostage and they held them for 444 days, and every President since President Carter has renewed the national emergency with respect to Iran, most recently on March 8 of this year.

If you look at the War Powers Act, Mr. Chairman, it states that a national emergency does justify the President utilizing his constitutional powers as Commander in Chief. My reading of this amendment is that this proposal, this amendment, changes the War Powers Act and extracts that power from the President of the United States. We have had Democrat and Republican Presidents renewing that finding and that national emergency status with respect to Iran.

Just to say further, Mr. Chairman, we all know, and I just talked about this, we know that Iran through its proxies helped and aided in the attack against Americans at Khobar Towers, which killed 19 Americans and injured 372 other Americans and other people who were in that area. We know that the Iranian-backed insurgents are killing American troops with IEDs, and some of that IED expertise and the materials themselves are being transferred from Iran. We know that they are assisting in attacks against Americans in Afghanistan.

A couple of weeks ago the Chairman of the Joint Chiefs, General Pace, said, "We have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran. The arms included mortars and C-4 plastic explosives."

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So, Mr. Chairman, every Member of this body should be strongly opposed to this particular amendment.

Mr. Chairman, I would like to yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to this amendment.

There is no denying that Iran's bloodthirsty regime would gladly destroy the United States, annihilate Israel and destabilize Iraq. Iran's hand in terrorist activities around the Middle East is clear. Iran's President continues to threaten Israel. I believe he stated he would wipe Israel off the map. And he continues to pursue nuclear weapons so he can dominate the Middle East and threaten his neighbors.

We have tried to stop Iran from obtaining those weapons. We have increased sanctions on firms that do business with this dangerous regime. We have worked with our allies and the United Nations.

And yet with all of these efforts, just yesterday, we learned that the sanctions have done precious little to impede Iran's march towards obtaining nuclear weapons.